

1-1 By: Alvarado S.B. No. 1915
 1-2 (In the Senate - Filed March 7, 2019; March 19, 2019, read
 1-3 first time and referred to Committee on Transportation;
 1-4 March 25, 2019, rereferred to Select Committee on Texas Ports;
 1-5 April 15, 2019, reported adversely, with favorable Committee
 1-6 Substitute by the following vote: Yeas 6, Nays 0; April 15, 2019,
 1-7 sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			

1-17 COMMITTEE SUBSTITUTE FOR S.B. No. 1915 By: Alvarado

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the board of pilot commissioners for Harris County
 1-21 ports.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 5007.209(b), Special District Local Laws
 1-24 Code, is amended to read as follows:

1-25 (b) The training program must provide the person with
 1-26 information regarding:

1-27 (1) the legislation that created the authority;

1-28 (2) the programs, functions, policies, rules, and
 1-29 budget of the authority;

1-30 (3) the results of the most recent formal audit of the
 1-31 authority;

1-32 (4) ~~[the duties of the port commission as the board of~~
 1-33 ~~pilot commissioners for Harris County ports under Chapter 66,~~
 1-34 ~~Transportation Code,~~

1-35 ~~[(5)]~~ the requirements of laws relating to open
 1-36 meetings, public information, administrative procedure, financial
 1-37 disclosure, and conflicts of interest; and

1-38 (5) ~~[(6)]~~ any applicable ethics policies adopted by
 1-39 the port commission or the Texas Ethics Commission.

1-40 SECTION 2. Section 66.002, Transportation Code, is amended
 1-41 by amending Subdivisions (2) and (6) and adding Subdivision (5-a)
 1-42 to read as follows:

1-43 (2) "Consignee" means a person, including a master,
 1-44 owner, agent, subagent, firm, or corporation or any combination of
 1-45 those persons, who:

1-46 (A) has control of a vessel that is under way or
 1-47 is otherwise moving in, out, or within a port, including in a
 1-48 waterway leading from the port to the Gulf of Mexico; or

1-49 (B) places an order for pilot services for the
 1-50 movement of a vessel described by Paragraph (A) [who enters or
 1-51 clears a vessel at the office of the collector of customs].

1-52 (5-a) "Pilot commissioner" means a member of the
 1-53 board.

1-54 (6) "Pilot services" means acts of a pilot in
 1-55 conducting a vessel through the navigable water in this state and
 1-56 the ports in which the pilot is licensed or certified as a pilot,
 1-57 and includes the adoption and implementation of ship movement
 1-58 strategies, such as navigation safety guidelines, for use by pilots
 1-59 in the navigable water in this state.

1-60 SECTION 3. Section 66.011, Transportation Code, is amended

2-1 to read as follows:
2-2 Sec. 66.011. BOARD. The board of pilot commissioners for
2-3 the ports of Harris County is composed of nine pilot commissioners
2-4 appointed as follows:
2-5 (1) two pilot commissioners appointed by a majority of
2-6 the city council of the City of Houston;
2-7 (2) two pilot commissioners appointed by a majority of
2-8 the Harris County Commissioners Court;
2-9 (3) one pilot commissioner appointed by the city
2-10 council of the City of Pasadena, who must reside in the city of
2-11 Pasadena;
2-12 (4) one pilot commissioner appointed by a majority of
2-13 the Harris County Mayors' and Councils' Association, who must be a
2-14 resident of a municipality in Harris County that is located
2-15 adjacent to the Houston Ship Channel and has a population of less
2-16 than 100,000;
2-17 (5) two pilot commissioners appointed by the governor;
2-18 and
2-19 (6) the chair of the board, appointed as described by
2-20 Section 66.0116 [the port commissioners of the Port of Houston
2-21 Authority of Harris County, Texas].
2-22 SECTION 4. Subchapter B, Chapter 66, Transportation Code,
2-23 is amended by adding Sections 66.0115 and 66.0116 to read as
2-24 follows:
2-25 Sec. 66.0115. QUALIFICATIONS; VACANCY. (a) Except as
2-26 otherwise provided by Sections 66.011 and 66.0116, each pilot
2-27 commissioner must be a property tax payer and a qualified voter in
2-28 Harris County.
2-29 (b) A person is not eligible for appointment to the board if
2-30 the person:
2-31 (1) has previously served the equivalent of at least
2-32 12 full years on the board; or
2-33 (2) is currently serving or has previously served as a
2-34 port commissioner for the Port of Houston Authority of Harris
2-35 County, Texas.
2-36 (c) Not later than the 45th day after the date on which a
2-37 term expires or on which a vacancy on the board begins, the
2-38 appointing entity must appoint a new pilot commissioner. If the
2-39 appointing entity fails to make the appointment before the 45th
2-40 day, the office is considered an open position and the person
2-41 -serving in that position is ineligible for reappointment to fill
2-42 the position, and:
2-43 (1) if the appointing entity is the city council of the
2-44 City of Houston, the city council of the City of Pasadena, or the
2-45 Harris County Mayors' and Councils' Association, the Harris County
2-46 Commissioners Court shall appoint a pilot commissioner to fill the
2-47 position; or
2-48 (2) if the appointing entity is the Harris County
2-49 Commissioners Court, the city council of the City of Houston shall
2-50 appoint a pilot commissioner to fill the position.
2-51 (d) If a second appointing entity under Subsection (c)(1) or
2-52 (2) fails to make an appointment before the 90th day after the date
2-53 on which the term expires or the vacancy begins:
2-54 (1) the office is considered an open position and the
2-55 person serving in that position is ineligible for reappointment to
2-56 fill the position; and
2-57 (2) the governor shall appoint a pilot commissioner to
2-58 fill the position with the advice and consent of the senate.
2-59 (e) If a vacancy occurs through death, resignation, or other
2-60 reason, the vacancy shall be filled in the manner provided for
2-61 making the original appointment and in accordance with Subsections
2-62 (c) and (d).
2-63 (f) The governor may appoint a pilot commissioner under
2-64 Subsection (d) only if the appointing entity under Subsection (c)
2-65 fails to make an appointment within the period described by this
2-66 section, and any subsequent appointment must be made by the
2-67 appropriate appointing entity.
2-68 Sec. 66.0116. APPOINTMENT OF CHAIR; TERM. (a) The City of
2-69 Houston mayor and city council and the Harris County Commissioners

3-1 Court shall jointly appoint the chair of the board in January of
3-2 odd-numbered years. The term of the chair expires on February 1 of
3-3 each odd-numbered year.

3-4 (b) If the mayor, city council, and commissioners court do
3-5 not make an appointment within the period specified by this
3-6 section, the governor shall appoint the chair of the board with the
3-7 advice and consent of the senate. The governor may appoint the
3-8 chair only if the original appointing entities fail to make an
3-9 appointment within the period described by this section, and any
3-10 subsequent appointment must be made by the appointing entities.

3-11 (c) The person appointed as the chair of the board must
3-12 comply with the qualifications described by Section 61.160, Water
3-13 Code.

3-14 (d) On the second Monday of January in each odd-numbered
3-15 year, the City of Houston mayor and city council, the Harris County
3-16 Commissioners Court, and the Harris County judge shall hold a joint
3-17 meeting to appoint the chair of the board.

3-18 (e) In the meeting held under Subsection (d):

3-19 (1) each city council member and the mayor shall have
3-20 one vote; and

3-21 (2) each county commissioner and the county judge
3-22 shall have the mixed-fraction number of votes equal to the sum of
3-23 the number of city council members plus the mayor divided by the sum
3-24 of the number of county commissioners plus the county judge.

3-25 (f) The presence of individuals with a majority of the total
3-26 potential votes is required to establish a quorum at the meeting. A
3-27 separate quorum from each group, representing the city and the
3-28 county, is not required. The chair must be appointed by at least a
3-29 majority of the total potential votes, in any combination.

3-30 (g) In the event of a tie, the city council, mayor, county
3-31 commissioners, and county judge have three calendar days to
3-32 deliberate, convene a meeting, and revote. The period may be
3-33 extended to allow for compliance with Chapter 551, Government Code,
3-34 as it applies to the notice requirement for an open meeting. If a
3-35 second vote results in a tie:

3-36 (1) the office of the chair of the board is considered
3-37 an open position and the person serving as the chair is not eligible
3-38 for reappointment to fill the position; and

3-39 (2) the governor shall appoint the chair as provided
3-40 by Subsection (b).

3-41 SECTION 5. Section 66.014, Transportation Code, is amended
3-42 to read as follows:

3-43 Sec. 66.014. TERM OF OFFICE. Pilot commissioners other
3-44 than the chair serve staggered terms of two years that expire on
3-45 February 1. [A board member serves a term of office that coincides
3-46 with the member's term as a port commissioner.]

3-47 SECTION 6. Section 66.015, Transportation Code, is amended
3-48 to read as follows:

3-49 Sec. 66.015. JURISDICTION. The board has exclusive
3-50 jurisdiction over the regulation of pilots who provide pilot
3-51 services [piloting of vessels] in Harris County ports, including
3-52 intermediate stops and landing places for vessels on navigable
3-53 streams wholly or partially located in the board's jurisdiction.

3-54 SECTION 7. Section 66.016, Transportation Code, is amended
3-55 by adding Subsection (c) to read as follows:

3-56 (c) Rules under this chapter involving the adoption and
3-57 implementation of ship movement strategies, including navigation
3-58 safety guidelines, for use by pilots in the navigable water in this
3-59 state may be made only on a recommendation from not less than 80
3-60 percent of the pilots authorized to operate under the board's
3-61 jurisdiction.

3-62 SECTION 8. Of the two pilot commissioners of the board of
3-63 pilot commissioners for the ports of Harris County appointed under
3-64 Sections 66.011(1), (2), and (5), Transportation Code, as amended
3-65 by this Act, one pilot commissioner appointed under each
3-66 subdivision serves a term expiring in an even-numbered year and one
3-67 serves a term expiring in an odd-numbered year. The pilot
3-68 commissioner of the board of pilot commissioners for the ports of
3-69 Harris County appointed under Section 66.011(3), Transportation

4-1 Code, as amended by this Act, serves a term expiring in an
4-2 odd-numbered year. The pilot commissioner of the board of pilot
4-3 commissioners for the ports of Harris County appointed under
4-4 Section [66.011\(4\)](#), Transportation Code, as amended by this Act,
4-5 serves a term expiring in an even-numbered year.

4-6 SECTION 9. This Act takes effect September 1, 2019.

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